

Remarks

The Office Action dated April 7, 2004 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-25 are pending in this application. Claims 1-25 stand rejected.

Applicants respectfully submit that there are two typographical errors in the originally filed claims. Specifically, the claim following Claim 23 was numbered Claim a, and the next claim was numbered Claim 24. Claim a has been renumbered to Claim 24, and Claim 24 has been renumbered to Claim 25.

The rejection of Claims 1-25 under 35 U.S.C. § 103(a) as being unpatentable over Evans (US 6,685,243) is respectfully traversed.

Evans describes a bumper system that includes a beam and an energy absorber having a top, bottom, and middle horizontal sections. The top and bottom sections are collapsible with a parallelogram motion that shifts top and bottom portions vertically up or down upon impact. Evans does not describe nor suggest that the energy absorber is made from a molded mat of fiber reinforced resin material wherein the molded mat has a density of about 600 g/m<sup>2</sup> to about 3000 g/m<sup>2</sup>.

Claim 1 of the present application recites an energy absorber adapted for attachment to a vehicle for absorbing forces generated from an impact. The "energy absorber comprising a unitary structure comprising a molded mat of fiber reinforced resin material, said molded mat having a density of about 600 to about 3000 grams per square meter wherein density is determined by the weight of a square meter of said molded mat, said structure having a plurality of forwardly projecting crushable lobes adapted to crush upon impact".

Evans does not describe nor suggest an energy absorber as recited in Claim 1.

Particularly, Evans does not describe nor suggest an energy absorber made from a molded mat of fiber reinforced resin material wherein the molded mat has a density of about 600 g/m<sup>2</sup> to about 3000 g/m<sup>2</sup>. The Office Action, at page 3 admits that Evans does not disclose "a molded mat of fiber reinforced resin material; the energy absorber adapted to absorb energy during an impact of the vehicle; absorber of thermoformed or compression molded material; a low density glass mat thermoplastic composite; fiber reinforcement in a matrix of thermoplastic material; mat comprises a chopped glass fiber and a thermoplastic binder material comprising a polyester resin and polycarbonate".

Applicants submit that it would not have been obvious to an artisan skilled in the art at the time the invention was made to make the energy absorber using a molded mat of fiber reinforced resin material where the molded mat has a density of about 600 g/m<sup>2</sup> to about 3000 g/m<sup>2</sup>. As is well established, to establish a *prima facie* case of obviousness, the prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combine references. See *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596, 1958 (Fed. Cir. 1988); *In re Skinner*, 2U.S.P.Q.2d 1788, 1790 (Bd. Pat. App. & Int. 1986). And the teachings or suggestions, as well as the expectations of success, must come from the prior art, not applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991). In this case, there has been now showing of motivation to make the energy absorber using a molded mat of fiber reinforced resin material where the molded mat has a density of

about 600 g/m<sup>2</sup> to about 3000 g/m<sup>2</sup>. It appears that the only motivation comes from Applicants' disclosure. Accordingly, Applicants submit that independent Claim 1 is patentable over Evans.

Claims 2-25 depend from independent Claim 1. When the recitations of dependent Claims 2-25 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that Claims 2-25 likewise are patentable over Evans.

For the reasons set forth above, Applicants respectfully request that the Section 103(a) rejection of Claims 1-25 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,



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Michael Tersillo  
Registration No. 42,180  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070